

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF DOE VALLEY)	
UTILITIES, INC. FOR)	
DETERMINATION AS TO)	
JURISDICTIONAL STATUS OF)	CASE NO. 2003-00360
DOE VALLEY UTILITIES, INC.)	
AND ADDITIONAL OR)	
ALTERNATIVE DETERMINATIONS)	

O R D E R

Doe Valley Utilities, Inc. ("Doe Valley") has filed an application requesting the Commission to determine that Doe Valley is not a public utility as defined in KRS 278.010 and is, therefore, non-jurisdictional to the Commission. Other issues are whether the Commission can authorize Doe Valley to cease service to certain customers and whether Doe Valley needs a certificate to construct a water treatment facility.

An informal conference was held on November 13, 2003, of which concerned customers were given notice. On that date Doe Valley Real Estate Corporation ("Doe Valley Realty") was granted intervention in this case. To date, Doe Valley Realty is the only intervenor in this case. While Meade County Water District is not a party to his case, it has agreed to cooperate with the parties and the Commission in this matter.

The Commission established a procedural schedule so that evidence could be filed to establish a record and to refine the issues upon which the Commission can arrive at a decision. Both Doe Valley and Doe Valley Realty have filed motions and memoranda with

the Commission requesting that each be accepted out of time. The Commission, after reviewing the record, finds that a formal hearing should be conducted.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. The motions of Doe Valley and Doe Valley Realty to file memoranda untimely is granted.
2. A formal hearing upon Doe Valley's petition shall be held on January 27, 2004 at 9:30 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
3. A videotape record shall be made of the proceeding unless any party requests, one week prior to the hearing, that a stenographic transcript be made.
4. Doe Valley shall publish public notice of the hearing pursuant to KRS 424.300 and 807 KAR 5:001, Section 4(2), at least 7 days prior to the hearing date. This notice shall conform to the format set forth in Appendix A.

Done at Frankfort, Kentucky, this 24th day of December, 2003.

By the Commission

ATTEST:

Deputy 
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2003-00360 DATED DECEMBER 24, 2003.

NOTICE TO THE CUSTOMERS OF DOE VALLEY UTILITIES, INC.

Doe Valley Utilities, Inc. ("Doe Valley") has filed a petition with the Public Service Commission of Kentucky ("PSC") requesting the Commission to determine that Doe Valley is not a public utility as defined in KRS 278.010 and is, therefore, non-jurisdictional to the Commission.

One possible outcome of this proceeding is that the PSC may find that Doe Valley Utilities, Inc., is no longer a public utility subject to the jurisdiction of the PSC as to its rates and service.

The PSC will hold a public hearing in this matter on January 27, 2004 beginning at 9:30 a.m., Eastern Standard Time, in the PSC's offices at 211 Sower Boulevard, Frankfort, Kentucky. The hearing is open to the public and members of the public will be permitted to make comments on whether Doe Valley should no longer be considered a public utility subject to the jurisdiction of the PSC as to its rates and service.